

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/29/2020
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FONZ INC.,

Plaintiff,

-v-

THE CITY BAKERY, LLC, CITY BAKERY BRANDS,
LLC, MAURYBAKES, LLC, and MAURY RUBIN,

Defendants.
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19-cv-10854 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Defendants were served in this action on November 29, 2019 and December 3, 2019, but have failed to appear. On January 21, 2019, the Chapter 7 trustee for Defendant Maury Rubin filed a notice of bankruptcy, indicating that Defendant Maury Rubin filed a voluntary petition for relief under Chapter 7 of Title 11 of the Bankruptcy Code in the U.S. Bankruptcy Court for the Southern District of New York on December 20, 2019. Dkt. No. 15. After Plaintiff disputed that Defendant Rubin's bankruptcy proceeding should effect a stay with respect to the other Defendants, this Court ordered Defendants to submit a response to Plaintiff's letter by July 20, 2020. Dkt. Nos. 17-18. Defendants failed to do so.

In the absence of any filed objection, it is hereby ORDERED that the action is STAYED only with respect to Defendant Maury Rubin, and that this action shall otherwise proceed against non-debtor Defendants The City Bakery, LLC, City Bakery Brands, LLC, and Maurybakes, LLC.

An initial pretrial conference is scheduled for August 25, 2020 at 4:00 p.m. Parties are directed to dial into the Court's teleconference line at 888-251-2909, Access Code 2123101, and

follow the necessary prompts.

The parties shall, one week prior to conference, jointly submit to the Court a proposed Case Management Plan and Scheduling Order. A template is available at <https://www.nysd.uscourts.gov/hon-lewis-j-liman>. This document should be filed electronically on ECF, consistent with the Court's Individual Practices in Civil Cases, which are available on the same webpage. Parties should consult the Individual Practices for guidance on the matters to be discussed at the initial pretrial conference and for the Court's rules with respect to communications with Chambers and other procedural matters.

Counsel for Plaintiff is ordered to notify Defendants of this Notice.

SO ORDERED.

Dated: July 29, 2020
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN
United States District Judge